

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JAMES BECKLEY,

Plaintiff,

v.

Case No. 3:21-cv-00072-RJC-DSC

PRIORITY AUTO GROUP, INC.,

**PRIORITY AUTOMOTIVE
HUNTERSVILLE, INC.,**

DENNIS ELLMER and

MATTHEW ELLMER

Defendants.

**PRIORITY AUTOMOTIVE HUNTERSVILLE, INC.'S MOTION TO DISQUALIFY
PHILIP GIBBONS AND THE GIBBONS FIRM AS COUNSEL FOR JAMES BECKLEY**

For the reasons set forth in the supporting Memorandum, Defendant and Counterclaimant Priority Automotive Huntersville, Inc. (“PAH”) moves the Court, pursuant to Rule 3.7 of the North Carolina Rules of Professional Conduct, to disqualify Philip J. Gibbons, Jr. (“Gibbons”) and his firm Gibbons Law Group, PLLC f/k/a Gibbons Leis, PLLC (the “Gibbons Firm”) from serving as counsel for Plaintiff and Counterclaim Defendant James Beckley (“Beckley”) in this action.

Gibbons and the Gibbons Firm must be disqualified pursuant to Rule 3.7 because they are likely to be necessary witnesses and none of the exceptions apply. As their own text messages and other evidence confirms, Gibbons and the Gibbons Firm have personal knowledge of, proposed and actively participated in, and materially benefitted from Beckley’s fraudulent transactions and self-dealing involving their materially discounted “purchase” of a non-street legal 2015 Jeep Wrangler Unlimited, VIN No. 1C4AJWAG4FL744577 (the “Non-Street Legal Jeep”) as part of a scheme to resolve Beckley’s debt to them for unpaid legal services (the “Jeep Transaction”).

Dated: April 11, 2022

Respectfully submitted,

PRIORITY AUTOMOTIVE HUNTERSVILLE, INC.,

By /s/ Joshua F. P. Long

Joshua F. P. Long (N.C. Bar No. 26497)
WOODS ROGERS PLC
Wells Fargo Tower, Suite 1800
10 S. Jefferson Street
Roanoke, Virginia 24011
Telephone: (540) 983-7725
Facsimile: (540) 983-7711
jlong@woodsrogers.com

Counsel for Defendants and Counterclaimant Priority Automotive Huntersville, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to all counsel of record.

/s/ Joshua F. P. Long